

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Wilbert J. Alexander II, a/k/a)	C/A No.: 3:20-4480-TLW-SVH
Wilbert Alexander,)	
)	
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of)	ORDER
Transportation; Michael Guffee,)	
Controller; Kace Smith, CFO; and)	
Cynthia Johnson,)	
)	
Defendants.)	
)	

This motion comes before the court on the motion to dismiss [ECF No. 5] by South Carolina Department of Transportation, Michael Guffee, Kace Smith, and Cynthia Johnson (“Defendants”). In their motion, Defendants argue Plaintiff’s attempt to serve them—which is detailed in the motion, but otherwise absent from the docket of this case—was defective.

Plaintiff has moved to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1) [ECF No. 2]. Pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Civ. Rule 73.02(B)(2)(e) (D.S.C.), the undersigned is authorized to review such complaints for relief, authorize service, and submit findings and recommendations to the district judge. The court is reviewing this case and has not yet authorized service of process on Defendants.

However, dismissal is premature at this stage, and Defendants' motion to dismiss is denied without prejudice.

IT IS SO ORDERED.

January 20, 2021
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge